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Attorneys for Plaintiff  
ALIPHCOM, a California corporation

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ALIPHCOM, a California corporation,  
  
Plaintiff,

v.

BEIJING DUNHUANG HEGUANG  
INFORMATION TECHNOLOGY CO.  
LTD.; UNITED LOGISTICS SOLUTIONS  
INC.; and DOES 2 through 58,  
  
Defendants.

Civil Action No. 13-cv-5916 KAW

**PLAINTIFF'S REQUEST TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND ~~PROPOSED~~ ORDER**

Mag. Judge: Hon. Kandis A. Westmore

Plaintiff AliphCom ("Jawbone" or "Plaintiff") submits this request to continue the Case Management Conference with the expectation that Defendant United Logistics Solutions, Inc. ("United Logistics") will stipulate to the request. However, after the parties' respective attorneys discussed the request and agreed in principle on its contents and the duration of continuation, counsel for Jawbone was unable to reach counsel for United Logistics to confirm consent and authority to enter an e-signature pursuant to Local Rule No. 5-1(i)(3).

Jawbone filed its Complaint on December 20, 2013, and filed its First Amended Complaint on April 14, 2014. Jawbone contends that it served Defendant United Logistics on April 17, 2014, though United Logistics denies that it received a full set of exhibits to the Amended Complaint and on that basis has contended that service was complete. Despite its efforts to do so, Jawbone has not

1 been able to serve Defendant Beijing Dunhuang Huguang Information Technology Co. Ltd.  
2 (“DHGate”), a foreign company located in China. Jawbone is currently attempting to serve  
3 DHGate with the Complaint, Amended Complaint, and related filings and papers, pursuant to  
4 Federal Rules of Civil Procedure 4(h)(2) and 4(d).

5 In the meantime, Jawbone and United Logistics have discussed the case through their  
6 respective attorneys, and United Logistics has stated that it has not participated in the conduct that  
7 gives rise to the allegations in Jawbone’s Complaint and Amended Complaint. Jawbone has sought  
8 a response to United Logistics’ representations from DHGate and awaits an answer. In light of that  
9 exchange, Jawbone has consented to an extension to United Logistics’ deadline to respond to or  
10 answer the Amended Complaint, and therefore United Logistics has not filed a responsive pleading.  
11 United Logistics also has not consented to assignment of a Magistrate Judge for all purposes in this  
12 action.

13 A Case Management Conference is scheduled before the Court on May 20, 2014. In light of  
14 (a) Jawbone’s ongoing efforts to serve DHGate, a foreign company located in China; and (b) the  
15 extension to United Logistics’ deadline to respond to the complaint to which Jawbone has  
16 consented, the parties respectfully request that the Court continue the Case Management Conference  
17 for eight (8) weeks, or until July 8, 2014, at 1:30 p.m., to allow Jawbone to serve DHGate and  
18 receive a response to its questions regarding United Logistics’ representations. The requested  
19 extension will not affect the Court’s case management schedule.

20 Respectfully submitted,

21 DATED: May 13, 2014

KILPATRICK TOWNSEND & STOCKTON LLP


22  
23 By: /s/ Ryan Bricker

24 GREGORY S. GILCHRIST  
25 JENNIFER D. ARKOWITZ  
26 RYAN BRICKER

27 Attorneys for Plaintiff  
28 ALIPHCOM

1 IT IS SO ORDERED.

2  
3 Dated: May 15, 2014

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Hon. Kandis A. Westmore  
United States Magistrate Judge

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